

IC 33-34-5

Chapter 5. Transfer of Cases, Absent Judge, and Special Judge

IC 33-34-5-1

Transfer to other township small claims court

Sec. 1. The circuit court judge may transfer cases from one (1) township small claims court to another as necessary.

As added by P.L.98-2004, SEC.13.

IC 33-34-5-2

Transfer of cases from another court

Sec. 2. A judge of the circuit or superior court may order a cause filed in the circuit or superior court to be transferred to the small claims court if the:

(1) small claims court has jurisdiction of the cause concurrent with the circuit or superior court; and

(2) judge consents to the transfer.

As added by P.L.98-2004, SEC.13.

IC 33-34-5-3

Interchange of judges

Sec. 3. The judges of the small claims court may sit in place of each other and perform each other's duties:

(1) at the direction of or with the approval of the circuit court judge; and

(2) with the consent of the respective judges.

As added by P.L.98-2004, SEC.13.

IC 33-34-5-4

Judge unable to preside; appointment

Sec. 4. (a) If a judge is unable to preside over the judge's division of the small claims court during any number of days, the judge may appoint in writing a person qualified to be a small claims judge under IC 33-34-2-2 to preside in place of the judge.

(b) The written appointment shall be entered on the order book or record of the circuit court. The appointee shall, after taking the oath prescribed for the judges, conduct the business of the division subject to the same rules and regulations as judges and has the same authority during the continuance of the appointee's appointment.

(c) The appointee is entitled to the same compensation from the township trustee as accruable to the small claims judge in whose place the appointee is serving.

As added by P.L.98-2004, SEC.13.

IC 33-34-5-5

Judge's absence

Sec. 5. (a) A judge absent from the bench for more than thirty (30) days shall deposit the dockets, books, and papers of the office with the:

(1) small claims judge of another division; or

(2) circuit court;
as directed by the circuit court judge.

(b) A:

(1) judge with whom the docket of another judge is deposited during a vacancy or an absence; and

(2) successor of any judge who has the dockets of the successor's predecessor in the successor's possession;
may perform all duties that the judge might do legally in relation to the judge's own dockets.

(c) Process shall be returned to the judge who has the legal custody of the docket at the day of return.

As added by P.L.98-2004, SEC.13.

IC 33-34-5-6

Special judge

Sec. 6. (a) Only another judge may serve as a special judge in the small claims court.

(b) Except for mileage and travel expense, a judge serving as a special judge under this section may not receive compensation in addition to the salary provided under this article.

As added by P.L.98-2004, SEC.13.